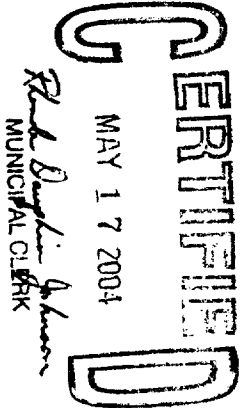


Entered 2-6-04 - sb  
CL 04L0074 - GWENDOLYN BURNS

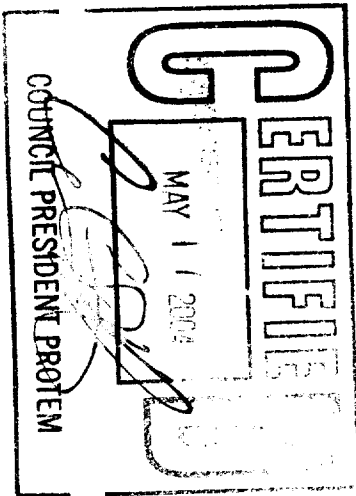


CLAIM OF: ROBERT S. HENSLEY  
1050 Ponce De Leon, #906  
Atlanta, Georgia 30306

04-R-0829

For bodily injuries alleged to have been sustained  
when a wheel chair flipped over due to a missing  
section of sidewalk on October 5, 2003 at 963  
Ponce De Leon Avenue, NE.

THIS ADVERSED REPORT IS  
APPROVED



BY:

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

ADVERSED

MAY 17 2004

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/04

CHAIR: R. L. DeLoach

C. T. Martin

H. S. S. S.

Carla Amato



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

May 21, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Robert S. Hensley  
1050 Ponce De Leon  
Apartment 906  
Atlanta, GA 30306

04-R-0829

Dear Mr. Hensley:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 17, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0074

Date: April 27, 2004

Claimant /Victim ROBERT S. HENSLEY  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 1050 Ponce De Leon, #906, Atlanta, Georgia 30306  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 6,360.20  
Date of Notice: 2/06/04 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 10/5/03 Place: 963 Ponce De Leon Avenue, SE  
Department \_\_\_\_\_ Division: \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that he sustained a fractured hip when his motorized chair flipped over as he attempted to ride over an unfinished section of sidewalk. However, an investigation determined that the unfinished sidewalk had been under construction by BellSouth, Inc. The claimant has been so advised and his claim has been forwarded to BellSouth for resolution.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

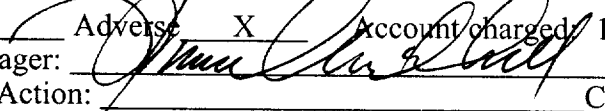
### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR: GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged 1A01 \_\_\_\_\_ 2PO1 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 04/29/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5712  
5/17/04  
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876  
04-R-0911 04-R-0835 04-R-0882  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Norwood
Y Starnes	Y Archibong	Y Muller	B Maddox	Y Willis
Y Young	Y Fauver	Y Moore	Y Mitchell	

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858 2. 04-O-0869 3. 04-O-0372 4. 04-O-0373 5. 04-O-0641 6. 04-O-0642 7. 04-O-0646 8. 04-O-0648 9. 04-O-0650 10. 04-O-0652 11. 04-O-0653 12. 04-O-0656 13. 04-O-0657 14. 04-O-0874 15. 04-O-0488 16. 04-O-0700 17. 04-O-0872 18. 04-O-0660 19. 04-O-0661 20. 04-O-0873 21. 03-R-2228 22. 04-R-0805 23. 04-R-0806 24. 04-R-0808 25. 04-R-0809 26. 04-R-0822 27. 04-R-0859 28. 04-R-0882 29. 04-R-0889 30. 04-R-0369 31. 04-R-0870 32. 04-R-0876 33. 04-R-0815 34. 04-R-0847 35. 04-R-0862 36. 04-R-0863 37. 04-R-0821 38. 04-R-0807 39. 04-R-0811 40. 04-R-0812	41. 04-R-0813 42. 04-R-0865 43. 04-R-0824 44. 04-R-0825 45. 04-R-0826 46. 04-R-0827 47. 04-R-0828 <b>ITEMS ADVERSED ON CONSENT</b> 48. 04-R-0829 49. 04-R-0830 50. 04-R-0831 51. 04-R-0832 52. 04-R-0833 53. 04-R-0834 54. 04-R-0836 55. 04-R-0837 56. 04-R-0838 57. 04-R-0839 58. 04-R-0840 <b>59.</b> 04-R-0841 60. 04-R-0842 61. 04-R-0843 62. 04-R-0844 63. 04-R-0845 64. 04-R-0846